

satisfy the Examiner's 35 USC 112 concerns and overcome the 35 USC 103 references of record to date. The above amendments are submitted to adopt the Examiner's suggestions to more particularly point out applicant's invention, and enable the Examiner now to update his search before passing the claims for final review.

As applicant has overcome the 35 USC 112 rejection by revising the claims for the second time, they should now be entered and allowed unless the Examiner's expanded search uncovers additional references, for the reasons previously outlined in the earlier amendment responses (see in particular, applicant's Third Amendment filed April 15, 2003).

Applicant's revised Claims 12 through 22, as amended, cover an insurance verification method using all available data, whether complete, accurate, interrelated, or repetitive from three data sources: insurance companies, state motor vehicle records, and state driver's license records. This data is not pre-screened by category (previously added claim amendment). It also does not contain corresponding cross-matching interrelated data field categories for common indexing (added claim amendment). A sorting and matching program, is then employed where the databases do not have sufficient cross-indexing to be a reliable match in and of themselves.

Revised Claims 12 through 22 eliminate the need for extensive personnel screening training and insures more than sufficient data input to generate highly accurate automobile insurance verification lists. Applicant's employment of all available data without pre-screening or common indicia indexing, whether accurate or not, to provide highly accurate lists of drivers having automobile insurance is counterintuitive to the problem being solved and is not disclosed by the previous references

In summary, the rejection of Claims 12 through 22, as amended, should therefore be withdrawn. Applicant's invention and method provided the first statistically accurate uninsured motorist lists, which are reliable enough to be accessed in real time on line for field detection of uninsured motorists. It therefore meets the unexpectedly improved properties not present in the prior art under *In re Dillon*, 919 F.2d 692-93 (16 USPQ2d at 1901) to establish non-obviousness. If the foregoing revised claims are not sufficient to allow said claims, a telephonic conference is again requested with the Examiner.

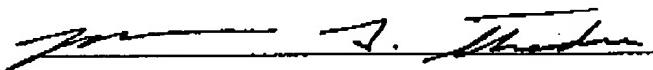
Dated this 29th day of December 2003.

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Attorney for Applicant

CERTIFICATE OF SERVICE

I certify that I faxed a copy mailed a true and correct copy of the foregoing Fifth Amendment to Examiner Kalinowski fax number (703) 872-9306, and mailed a copy to Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid this 28th day of December 2003.



DEC-30-03 TUE 01:06 PM CONDER-THEODORE

FAX NO. 801 359 8995

P. 09



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,702	12/29/1999	EVAN HOWARD LOTT		1341
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MARCUS G THEODORE, PC 466 SOUTH 500 EAST SALT LAKE CITY, UT 84102				EXAMINER
				KALINOWSKI, ALEXANDER G
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 12/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. _____

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/18/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____
- 3. Amendments to the drawings: _____
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prcnotice/ofticeltr.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a)**.

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

306-0423
 Telephone No. _____